

**Coconino County
Planning and Zoning Commission
Meeting of January 28, 2015
Board of Supervisors' Meeting Room
County Administrative Center
219 East Cherry
Flagstaff, Arizona**

Members Present

Mark Buzzard - Chairman
Sat Best – Vice-Chair
Jack Doggett
Tammy Ontiveros
John Ruggles
Maggie Sacher
Mary Williams

Members Absent

Don Walters

Staff Present

Jeanne Trupiano, Planning and Zoning Manager
Bob Short, Principal Planner
Zach Schwartz, Planner
Kate Morley, Planner
Joe Rumann, Engineering Supervisor
Jessica Leiser, Deputy County Attorney
Melinda Rockhold, Recording Secretary

Chairman Buzzard called the meeting to order at 5:30PM. He noted procedures to the Audience. Case No. 9 on the Agenda was moved to Item 3.

I. APPROVAL OF MINUTES

January 7, 2015 – Commissioner Ontiveros moved to approve the Minutes as written from January 7, 2015. Commissioner Ruggles seconded the Motion. The Motion passed unanimously.

II. PUBLIC HEARINGS

Chairman Buzzard noted to the Public the Commission will be going into Executive Session.

MOTION: Commissioner Ontiveros moved to go into Executive Session. Commissioner Ruggles seconded the Motion.

The Commission went into Executive Session and 5:35p.m. and resumed at 6:08p.m..

The first Case on the Agenda was Case No. AM-14-002.

1. Case No. AM-14-002: Amendment to the Zoning Ordinance for Vacation Rentals.

Applicant: Coconino County Community Development

Ms. Morley gave a PowerPoint presentation noting additional changes that have been made to the Draft Ordinance:

Section 24.11.F.1-Occupancy: The cap of 10 people was removed but staff is considering putting it back into place because of the larger homes and sizes of parties that might rent. A statement has been added regarding bedrooms. They must meet building code standards for bedrooms.

Section 24.11.F.2-A local contact on site within one hour: Ms. Morley noted the word 'local' has been stricken. As long as there is a contact available. It does not restrict calls to law enforcement.

Section 24.11.F.3-Special Events: For clarity, the uses for banquet halls, conference centers and wedding facilities are noted in commercial zones needing CUPs and are not meant for residential zones.

Section 24.11.G.-Enforcement: It may need editing if the Commission removes local contacts.

Ms. Morley noted the definition for Vacation Rentals is inclusive of Bed and Breakfasts, which has stricter standards. Limiting Vacation Rentals to one contract at one time would not require removing Section 24.4, Bed and Breakfast.

Commissioner Best asked about the Hearing Officer comments which brought this Ordinance amendment to light. Ms. Morley explained staff considered vacation rentals like a hotel/motel use and required a Conditional Use Permit. Per the Hearing Officer he felt the Ordinance was unclear and stated it was private property rights and there was nothing in the Zoning Ordinance that says it could not take place

The floor was opened for public comment.

Elaine Madden, lives in Peoria and owns a second home at 1270 Pinewood Boulevard in Munds Park, stated she is also a member of the Coconino County Vacation Rental Owners Association. She started renting that home as a vacation rental six years ago. Renting has allowed her to keep that house and keep it maintained. Her and her husband plan to retire and stay there more. Ms. Madden added renters spend money in the area and she sees that as an asset. Her neighbors are aware her home is a vacation rental and have had no complaints. Ms. Madden said she is opposed to an Ordinance and having any standards. Long term renters and home owners have no restrictions. Issues should be handled by HOAs or law enforcement, not by the County.

Cheryl Naumann, stated she has owned property in Coconino County for 9 years but works and lives in Phoenix full-time. She does plan on retiring in Flagstaff. Ms.

Naumann noted most vacation rental homes keep their property very neat and clean because the homes can be rented at any time. She is opposed to the Ordinance and felt those who rent their homes out as vacation rentals are penalized. She agreed with Ms. Madden that HOAs and law enforcement should take care of the nuisances. Ms. Naumann stated many in her neighborhood aren't aware her home is a vacation rental. She has a rental agreement that lists several things. Ms. Naumann added most of her renters are families with children or older couples. She asked that the Amendment be continued to allow the County to work with the Vacation Rental Association. Commissioner Doggett asked Ms. Naumann if there was anything preventing her from renting her home. Ms. Naumann said no but she was opposed to having standards. Any standards should apply to all residents. The Organization would like to be part of the discussions.

Edward Wiebe, Antler Crossing, Flagstaff, stated he owns nine rental cabins. He thought the issue is business versus personal residence. Mr. Wiebe thought those who rent out as vacation rentals should be taxed at a commercial rate and be regulated and taxed properly. Commissioner Best asked Mr. Wiebe if he was in favor of an Ordinance. Mr. Wiebe said he was. He felt any small business should have to follow regulations.

Dawn McCraw, owns a vacation rental in Parks she built 10 years ago. Regarding tax issues, Ms. McCraw stated those in the Organization pay a transaction privilege tax, are registered with the State and County, along with property taxes. Ms. McCraw gave a summary of complaints received regarding vacation rentals and asked to have the data from 2011 thru 2015 given to her.

Lynn Gerardo, owns property at 17300 Tailwinds, Munds Park, agreed with the previous speakers. It allows her to keep her home and make improvements to the home and visitors contribute to the local economy. She was opposed to the Ordinance and felt it was an undue burden.

Commissioner Ontiveros noted to those who had spoken they seem to go above and beyond what would be in the Ordinance as far as upkeep and the requirements of their guests. She asked Ms. Gerardo why she was opposed to the Ordinance. Ms. Gerardo felt the Ordinance was unnecessary. The Vacation Rental Organization shares good practices and she has an outstanding property management plan in place. She was opposed to being told what to do and being required to do it.

Cheryl Anaya, City of Flagstaff resident, stated she lives next door to a vacation rental in the City limits and asked about those who do not go above and beyond. She noted she calls the police constantly. She thought the Vacation Rental Organization that was present is great but what about those who are not part of that organization.

Jacquelyn Gabber, resident of Katina Village, stated she also lives next to a vacation rental and has also had to call the police multiple times for multiple violations. Ms. Gabber said the owner does not live nearby. She has called him and his and his caretaker multiple times. Ms. Gabber noted she is afraid to be in her own home at times.

Ken Get, 2952 N Bolt Drive, Cheshire, City of Flagstaff, stated he is opposed to the Ordinance. If there is a need for an Ordinance he would like to work together with the County and the Rental Organization. He agreed with the previous speakers from the Organization.

Commissioner Doggett noted to the Audience this is a County Zoning Ordinance amendment and would only affect the unincorporated parts of Coconino County.

Robert Petzoldt, Valle, Arizona, stated he was opposed to the Ordinance. He felt the County is trying to solve a problem that doesn't exist. Mr. Petzoldt noted vacation rental owners along with regular property owners have to comply with the existing Ordinance and felt it is unfair to have separate regulations that other residents do not have to comply with. He agreed with the previous speakers that most vacation rentals are better maintained.

Maxine Petzoldt, Valle, Arizona, stated she and her husband have posted speed limit signs on their County unmaintained road and have maintained the road along with other neighbors. She explained taxes are based on how many times your home is rented. Ms. Petzoldt added she has higher home owners insurance because of it being a vacation rental. She was also opposed to having her address posted and making the neighbors aware it is a vacation rental, which tells them it can be vacant at times.

Bill Moore, resident of Phoenix, stated he works at Munds RV Park and is purchasing a home in Munds Park. When he first read the proposed Ordinance he was against it and agreed it is a difficult situation. Some standards are over the top. He agreed with previous speakers. Many standards are already covered in the existing Ordinance and with law enforcement. Mr. Moore thought a vacation rental permit should have no expiration date unless there have been problems. Regarding Occupancy, Mr. Moore stated many people that own second homes have many more people than the proposed cap for vacation rentals.

Sandy Horton, Baderville, supports the proposed Ordinance. Mr. Horton, stated she has a vacation rental across the street. Many times there are multiple vehicles and over 20 people staying in the home. Ms. Horton felt they are customers, not guests and it is a business. Ms. Horton felt the proposed Ordinance is too vague and needs to be stronger.

The floor was closed for public comment.

Commissioner Ruggles said comments were made by very responsible people. The Commission has to address that not everyone is responsible. He agreed with some of the objections the speakers had regarding local contact and occupancy. Commissioner Ruggles felt standards would be imposed that are not imposed for other forms of housing. He would like to do it right the first time and not rush through the process.

Commissioner Williams agreed. She hoped with some input there would be a happy medium.

Commissioner Doggett stated public input is helpful and they are getting closer. He noted the Commission's recommendation will go forward to the Board of Supervisors for their final say. Commissioner Doggett said many jurisdictions are dealing with the same issue. He agreed it is a business. He suggested the following changes:

- D. - Permit – Should be valid for 3 or 4 years. Also eliminating notifying neighbors.
- F.1 – Occupancy – Commissioner Doggett felt keeping a cap of ten people is appropriate.
- F.2 – Management – He agreed with eliminating local contact. As long as there is a contact.
- F.7 – Signage – Eliminate – should have same standards as residential houses.
- F.10 – Septic - Defer to staff what is reasonable.
- F.16 – Property Management Plan – eliminate 'local' contact. Commissioner Doggett felt there is some merit in maintaining notifying neighbors within 300 feet of their Management Plan at some point in the process because of those who do not management their rentals as well as the Association does.
- G – Enforcement – eliminate 'local' contact.

Commissioner Sacher disagreed with Section F.4 regarding quiet times. That restriction is not placed on the average home owner. Commissioner Doggett thought that should be included in the applicant's Property Management Plan and left up to the home owner.

Commissioner Best thought utilizing those homes that are underused is a great idea. If done right, which many present tonight are doing, there is money to be made. Commissioner Best said there needs to be a balance. It needs to fit with the neighborhood where no one knows it exists. Many do not abide by the existing laws and thought an Ordinance was reasonable. He felt a cap on the occupancy was reasonable. He also agreed there should be someone to call but it is not necessary to have a local contact. Some Commissioners feel the Case could be continued and asked staff how to proceed. Ms. Morley noted there has been a lot of public outreach but suggested staff could get stakeholders together for further conversations.

Commissioner Best asked Ms. Morley how law enforcement is handled. Ms. Morley said she had spoken with the Sheriff's office and explained the Sheriff can deal with the occupants of the house but not the property owners as a whole when they go to the home.

Commissioner Ontiveros stated she has always been neutral on the proposed Ordinance. She respects the private property owner but knows problems do exist and there can be issues. Commissioner Ontiveros said the intent is to have a reasonable balance and not overregulate. She was never in support of notifying neighbors prior to application submittal. She would like to go through each standard to see if the Commission can give staff better direction.

Commissioner Ruggles agreed with Commissioner Doggett's comments. It does still need some work before going before the Board of Supervisors.

Commissioner Sacher noted most items listed are already in the Ordinance but appreciated it being in one document for those who do not know those regulations. She felt it is more informative. Commissioner Sacher did not agree with placing lit signage on

the home. She felt that puts it into a business realm. Private property owners are not required to do so. She would eliminate that Section completely. Commissioner Sacher agreed some things need to be removed. She was not in support of notifying neighbors. She agreed with Commissioner Ontiveros in going through each item.

Chairperson Buzzard suggested the Commission go through each element.

- A. Purpose - No comments.
- B. Private Agreements/Covenants - No comments.
- C. Definition – Ms. Morley asked if it should state that there can only be one contract at a time i.e one ‘family’ where Bed and Breakfast have more than one contract, or separate families. Commissioner Ruggles thought that was a good reason to keep the Bed and Breakfast in place, which provides a service, where Vacation Rentals do not. It was agreed to review the wording to include a single contract.
- D. Permit - The Commission agreed on a five-year term. The Commission agreed to strike notifying neighbors within 300 feet.
- E. Applicability – Change to five years in the last sentence.
- F.1. Occupancy - After discussion, the Commission agreed more discussion should take place. Most agreed the cap of 10 is acceptable. The age of children should be further discussed.
- F.2. Management – It was agreed to omit the last amended sentence and removing the word ‘local’.
- F.3. Special Events – No comments.
- F.4. Quiet Times – The majority of the Commissioners agreed to eliminate the Section but noted they would like to see quiet times included in the applicant’s property management plan.
- F.5. Exterior Appearance – No change as written with strike outs.
- F.6. Parking – Discussion took place regarding what is considered legal parking spaces. Chairman Buzzard suggested changed the ‘said parking’ in the last sentence to ‘legal parking’. The Commission also noted they would like to see parking addressed in the applicant’s Property Management Plan.
- F.7. Signage - The Commission agreed to omit lighting required and to reword the Section to read: “Signage shall not exceed that allowed in the underlying residential zone”.
- F.8. Outdoor Lighting – Commissioner Sacher recommended changing the wording to read: “Outdoor lighting is subject to the provisions of Section 27.” The Commission agreed.
- F.9. Property Maintenance – No comments.
- F.10. Sewer connection/septic system capacity – The Commission agreed to eliminate the second sentence regarding verification.
- F.11. Pets – It is redundant but leave for informational purposes.
- F.12. Vehicular Use – Strike the word ‘all’ at the beginning of the first sentence.
- F.13. Access – No comments.
- F.14. Code Compliance – No comments.
- F.15. Accessory Dwelling/Guest House – No comments.
- F.16. Property Management Plan – Strike ‘local’ and ‘be on site within one hour’. Ms. Morley verified the Commission would like to see quiet times and parking in their

Management Plan. The Commission agreed staff and stakeholders should address this section further.

F.17. Emergency Contacts – No comments.

F.18. Property Use –Strike Section.

G. Enforcement – Commissioner Sacher thought the Enforcement Section should also be included in the applicant’s Management Plan. Commissioner Ruggles felt it is a case by case issue. The Commission agreed that should be under review and discussed with staff and stakeholders. The question was what leads to revocation.

Ms. Morley felt a sixty-day continuance would be best for staff to meet with stakeholders who are interested.

MOTION: Commissioner Doggett moved to continue Case No. AM-14-001 for sixty days. Commissioner Williams seconded the Motion.

The Commission recessed at 7:50pm and resumed at 8:20pm/

2. Case No. AM-15-001: Amendments to the Zoning Ordinance for Sections 1-15, Section 17 (Definitions), Section 24 (Special Use), and Section 30 (Administrative).

Applicant: Coconino County Community Development

Ms. Morley summarized the staff report along with a PowerPoint Presentation. Ms. Morley noted Section 17 has had many new definitions added. She suggested omitting ‘vacation rentals’ until that Amendment has been adopted. Section 30 explained renewals of Conditional Use Permits (CUP). Commissioner Doggett asked who applies for renewals and what if they are late with their application. Ms. Morley explained the applicant can apply with the property owner’s signature. Ms. Morley stated if the CUP has expired they cannot use the Administrative method. They would have to apply for a new CUP. Chairman Buzzard recommended adding verbiage to clarify if the permit has expired they need to go through the process and apply for a new CUP.

Commissioner Doggett asked what would trigger renewals that would come before the Commission. Ms. Leiser explained those that have modifications, complaints or the public would like to comment.

Commissioner Sacher noted many renewals have had no complaints to staff but receive many public comments at the hearings. Ms. Morley explained notices will be posted and mailed to surrounding property owners like it is currently. It will state if no calls or complaints it will be renewed administratively. If calls are received it will go before the Commission for a public hearing. Commissioner Sacher thought it was the County’s obligation to notify the public. The Commission discussed better ways to notify the public. Ms. Morley said staff can look at procedures for all cases, not just renewals. Commissioner Best asked how the Commission would know what has been renewed administratively.

Commissioner Best referred to Section 17, Definitions. Shipping containers. Commissioner Best recommended removing 'personal' because it may not be their personal property.

Commissioner Ruggles asked if wireless facilities being renewed administratively would be for five years. Ms. Morley said there is no time changes but time lines will be reviewed throughout amending the Ordinance.

Commissioner Best asked how staff would determine what is a change to the predicted impact when renewing a CUP administratively. Ms. Morley explained staff will review the case but if there are complaints or the site plan has changed significantly it staff will make a judgment call to go before the Commission.

There was no public comment.

Commissioner Sacher said she would still like to see a public meeting. Public participation should be easy for neighboring property owners. Commissioner Best agreed with Commissioner Sacher's concern but some cases renewed administratively is a good idea. It is a judgment call on staff. Commissioner Best said he would like the Public Notice signs to be large and the wording simple. Commissioner Sacher thought the County should give citizen's the best opportunity to participate and know what is going on. She is asking for a public participation meeting by the applicant. Chairman Buzzard stated the notification process will remain the same as it is now. Commissioner Best said it should be clearly stated anyone from the public may request a hearing.

Ms. Morley clarified with Commissioner Sacher she would like to see citizen participation meeting. Commissioner Sacher said yes. Ms. Leiser noted under current requirements the applicant does not need to have a citizen participation meeting when renewing a CUP. Ms. Morley suggested if an applicant wants to renew a CUP administratively they would have to have a citizen's participation meeting.

Ms. Morley clarified the changes the Commission recommended. The wording in Section 1-15 regarding Floodplain Ordinance; change in definition for storage containers; do not remove the Bed and Breakfast Section and do not want to add the definition of vacation rental. Ms. Morley also noted the recommended changes in Section 30 where the CUP, if not expired, is renewable administratively, and also having a citizen participation meeting.

MOTION: Commissioner Doggett moved to approve Case No. AM-15-001 with the changes recommended. Commissioner Williams seconded the Motion. The Motion passed 7-0. Chairman Buzzard noted this is a recommendation and goes to the Board of Supervisors.

9. Amendments to Planning and Zoning Commission Operating Rules and Regulations.

Applicant: Coconino County Community Development

Ms. Leiser explained the Operating Rules need to be amended since the Commission has changed to Wednesdays per Statute. Commissioner Doggett referred to Roberts Rules of Order. Ms. Leiser said that standard has always been followed but never listed in Rules and Regulations.

Commissioner Sacher referred to Section 6 and noted occasionally the meeting place has been changed and not known one month in advance. Ms. Leiser said a revised agenda within 24 hours is required.

Commissioner Best referred to Section 8.B. regarding upcoming cases on the Study Session. Ms. Leiser stated there are no rules regarding a Study Session.

There was no public comment.

MOTION: Commissioner Ontiveros moved to approve the Operating Rules and Regulations. Commissioner Ruggles seconded the Motion. The Motion passed unanimously.

3. Case No. AB-15-001: A request for an Abandonment of county right-of-way as part of a minor land exchange in the Agricultural Residential (AR-5) Zone (5-acre minimum). The subject property is 1.04 acres in size and it located off Interstate I-40 along Spritz Springs Road, Parks, AZ and is identified as Assessor's Parcel Number 203-24-003B.

Applicant: Coconino County Public Works Department, Flagstaff, AZ

Mr. Schwartz summarized the staff report along with a PowerPoint presentation stating staff is recommending approval. Community Development staff was also serving as representative for the Public Works Department.

There were no questions for staff. There was no public comment.

MOTION: Commissioner Ruggles agreed with staff's recommendations and conditions and moved to approve Case No. AB-15-001 as written. Commissioner Williams seconded the Motion. The Motion was unanimously approved.

4. Case No. SUB-15-001: A request for the development of the Johnson Ranch Subdivision (46 lots) in the Agricultural Residential (AR-2 1/2) Zone. The subject property contains 115.54 acres and is located in Doney Park at the intersection of State Hwy. 89 and E. Landfill Road and is identified as Assessor's Parcel Number 301-31-003A.

Applicant: D & G Development, LLC, Flagstaff, Arizona

Mr. Short summarized the staff report and gave a PowerPoint presentation. Staff is recommending approval with 22 conditions, amending Condition 11 removing the requirement for perimeter fencing and the DRO requirement for the masonry wall.

Commissioner Best noted the wildlife corridor and felt there were conflicts regarding fencing for wildlife. He thought it looked like there were trying to keep wildlife out.

Commissioner Best asked about the floodplain and the ability to build in the floodplain. Mr. Short said there is no identified FEMA floodplain. The Schultz fire created the Schultz flood area. He had received comments from neighbors stating flooding has occurred since then. Even though it is not in a designated FEMA floodplain, the applicant would like all of the 100-year floodplain to be delineated and houses elevated one-foot above that elevation. Commissioner Best asked how the preliminary plat can be done without that data. Mr. Short said preliminary work has been done. Mr. Short referred to Mr. Rumann.

Mr. Rumann, Coconino County Engineering Supervisor, explained the Floodplain Ordinance requires any subdivision 50 acres or more than 5 lots defines the floodplain. A preliminary drainage report has already been submitted. Mr. Rumann explained a floodway cannot be blocked or built on. A floodplain requires elevating the homes and the report will show elevations for each parcel. Staff would like it with the application but the applicant is working on it. There may be a need for another drainage easement and the sizes of the lots may change. Commissioner Best thought it best to have all the information before approving the preliminary plat. Mr. Rumann added detention hasn't been adequately addressed.

Commissioner Williams asked Mr. Rumann who does the floodplain determination. Mr. Rumann said there is a private analysis done but it is based on County requirements.

Christine Laguna, Civil Design and Engineering, along with Martin Martin and Ian Braun were representing the applicant. Ms. Laguna explained a preliminary drainage study has been done which defined water sheds in the area that contribute to the site. Ms. Laguna explained their process. She noted there is still more work to do but this is a preliminary report. The final approval is done when the final plat is applied for. Ms. Laguna said they have also compiled the geotechnical report to know what type of soils for what type of septic systems will be allowed. They have been working with staff on the design and have added equestrian trails.

Commissioner Ruggles asked about the drainage through the property at the north end. Ms. Laguna said they have received additional information from Civ-Tech regarding flows. The northern most drainage area was not identified in the original report but will be in the final report. Ms. Laguna explained the box culvert along Highway 89. There is no defined channel. The northern lots will be defined as floodplain and will have to have elevated construction.

Commissioner Best asked about a plan for wildlife. Ms. Laguna said all the floodways will be defined as open and not be fenced. There is also a gas easement that cannot be fenced. The intent is to put fences only where necessary which will be along Landfill Road and along Highway 89 where necessary. Commissioner Best asked if the homeowners can be prevented from putting fences across the drainage. Ms. Laguna said County regulations do not allow blocking of floodways. Commissioner Williams clarified many lots have floodway or a gas line going through them and would not be able to fence their perimeter. Ms. Laguna said that was correct.

Commissioner Best asked what fencing was proposed along Landfill Road and the Highway. Ms. Laguna said at this time a masonry wall is proposed but along Highway 89 something more aesthetically pleasing.

Ms. Laguna commented to staff's report. The developer would rather the County accept the roads as public but were told no because of budgetary factors. If that should change, they would like them to be County maintained. Instead of 8 feet wide, the developer is asking trails to be six feet per the Subdivision Ordinance. Regarding a water adequacy report, Ms. Laguna noted Doney Park Water Company does not have an adequate water supply so it will likely be reported as inadequate. Regarding the 8-foot equestrian and non-motorized access easement at the north drainage, Ms. Laguna noted the floodway will be defined and dedicated as a drainage and equestrian easement but no path will be established. Ms. Laguna asked verbiage be changed to 'strongly encourage' to participate in the Sustainable Building Program. The developer will build some homes but not all and others may not want to participate.

Chairman Buzzard asked Hannah Griscom, AZGF Urban Wild life Planner, her opinion on the development as it pertains to the wildlife corridor. Ms. Griscom said working with the developer and property owners on minimizing fencing will help. Wildlife entanglement is an issue in this area. Ms. Griscom felt the proposed wall along Landfill Road is a large barrier and she would like to work with the developer on modifications to allow passages at periodic points. If fencing out wildlife, it eliminates them from using that habitat. A very tall, unattractive fence would be needed.

Commissioner Doggett asked how the proposed fencing differs from what is there now. Ms. Griscom stated the current fence is a standard right-of way fence with barbed wire. Minor modifications can be done to spacing and wire specifications. As more fencing is built that would create more entanglement. It is an educational process. Desirability for wildlife will decrease as more homes are built. Commissioner Doggett noted the gas line easement that is not fenced which has been there for many years will keep wildlife around.

The floor was opened for public comment.

Martin Martin, land surveyor, Civil Design and Engineering, referred to a comment changing the access from Highway 89 to Landfill Road. The Landfill Road is not dedicated to the County or City. The Forest Service requires a developer to exhaust all public access points before they will provide an easement.

Vince Cosalito, 6170 E. Desert View Lane, Flagstaff, adjacent to proposed Lots 45 and 46, said he was opposed to the development. Mr. Cosalito stated there have been two incidents of flooding since the Schultz fire. He felt it would redirect flood waters westward into existing structures. He agreed it is not a FEMA designated floodway but it does exist.

Lori Anderson, 6170 E. Desert View Lane, Flagstaff, stated the wildlife come across the Highway and wander south through the pasture area. Ms. Anderson noted the wildlife in the area. Ms. Anderson added new homes may require elevation but floodwaters will

flow towards many homes.

Peter Pillis, 6220 E. Treadway Trail, agreed with the previous speakers. During the Schultz flood, his back yard was filled with debris and silt. Mr. Pillis asked what affects the development will have on the west side of the dog leg with those raised lots where the existing homes are not.

Matt Morales, Project Manager for Cinder Lake Landfill, City of Flagstaff, stated they are not opposed to the subdivision but safety is a major concern. He explained the large vehicles coming onto 89 and increased traffic coming onto Highway 89 within 1,000 feet will cause further safety concerns.

Bill Sutter, 6235 Kaitlin Way, Flagstaff, agreed with the other speakers in regards to floodplain and wildlife. Mr. Sutter noted the developer is doing drainage studies and soils tests at the driest time of the year. He added the area is not in a designated FEMA floodplain but he has to have flood insurance. Mr. Sutter asked, if developed, it be done smartly.

Susan Hepler, 10550 N. Swede Drive, west of the proposed development, stated during the Schultz flood all the waters converged and drained onto the proposed site. She, too, has to have flood insurance.

Pam Baldwin, 6225 E. Swede Lane, adjoining property, stated she is a real estate broker and in that capacity has concerns about the floodplain, gas line and required setbacks and felt the lots need to be larger. Commissioner Williams agreed and noted many usable buildable areas will not be that large. She thought a cluster development would be better to take care of wildlife and floodplain issues. Ms. Baldwin agreed and added there is one egress for an additional 100 vehicles.

Kevin Craigie, 10910 N. Lupine, felt a six foot high masonry wall was not necessary and he would not want to see anything higher than four feet along Highway 89.

Fred Weirs, 6185 Kaitlin way, asked where the drainage and water will go. He has seen three identifiable rivers running through this property. Mr. Weirs said it is a floodplain which has to be addressed to make sure the flooding doesn't devastate others.

Chris Garrison, Applicant, said the block wall is just one idea. Nothing has been finalized. Ms. Garrison added they do not want to limit wildlife. She will work with AZGF on fencing. Regarding the flooding, Ms. Garrison said that is why a subdivision is proposed along with an engineer's design. They are doing what they can to mitigate the problem. They do not want to be a burden to the neighbors.

The floor was closed for public comment.

Mr. Short asked to address the applicant's concerns regarding conditions. Staff does support most concerns the applicant had. Conditions 13 and 14 can be changed from 8-foot trails to six feet. Condition 3, Mr. Short agreed to remove the second sentence regarding ADWR adequacy report.

Commissioner Doggett referred to Condition 11 regarding the masonry wall. Mr. Short noted the words 'may be constructed' but will first have to work with AZGF to make sure it is wildlife fencing. Ms. Garrison stated the entire language could be eliminated. They are willing to work with the wildlife planner with something that is more wildlife friendly and aesthetically pleasing. Mr. Short also agreed in removing the first sentence in Condition 11.

Commissioner Doggett referred to condition 18 requiring ADOT approval and felt the language could be generalized.

Regarding the floodplain study, Commissioner Doggett asked if having a preliminary plat approval with a preliminary floodplain study is a normal practice. Mr. Short reiterated it has never been designated as a FEMA floodplain. He referred the question to Mr. Rumann.

Mr. Rumann explained a preliminary drainage report is to be done to determine how many lots can be created on the site. He felt there have been a lot of assumptions made and the study has been very conservative. There is still enough uncertainty with the drainage limits on this property. He would not be comfortable accepting this as a preliminary plat with 46 lots. Mr. Rumann thought additional analysis needs to be done to define if they can actually get 46 lots.

Commissioner Ruggles noted most issues with drainage is the north dog leg. Mr. Rumann explained the area experienced a catastrophic event. Since there is no FEMA designation staff can ask them to look at a 100-year event. Mr. Rumann said they cannot ask the developer to address drainage at a catastrophic event. They have to go with existing regulations. Commissioner Ruggles noted the studies the County had done are more reliable than FEMA data.

Commissioner Williams asked if the road to the north has to be above the floodplain. Mr. Rumann said no, just the houses.

Commissioner Sacher referred to the cul-de-sac length and felt it was excessively long. Commissioner Sacher asked if all entities agreed there was no safety issue with only one egress. Mr. Short said staff tried to find an emergency access. He was told by the Fire Chief it wasn't necessary because of lack of fuels and doesn't feel it would affect emergency response. The Sheriff's office agreed.

Commissioner Best commended the applicant in going with a subdivision instead of lot splits. Not being in a FEMA designated area it is a unique situation. He would like to see proposed elevations and more floodplain data and suggested a continuance. He also commended the proposal for sustainability.

Commissioner Doggett asked the timeframe to do a floodplain study. Ms. Laguna explained they have done a preliminary study. She may have elevations done within a month. Commissioner Doggett stated he would like to see finished flood elevations. He would also like to see more of the off-site contribution and retention areas.

Commissioner Ruggles stated his biggest concern was further aggravating any problems the neighbors may have. If the homes are elevated it may make matters worse. Commissioner Best added health and safety of the neighborhood comes first.

Chairman Buzzard explained the Commission and staff want to make sure the neighbor's concerns will be addressed. Commissioner Ruggles felt he could not approve the preliminary plat as it is. He would like to see data showing what results the neighboring properties may have if the homes are elevated.

MOTION: Commissioner Best moved to continue Case No. SUB-15-001 for 60 days. Commissioner Doggett seconded the Motion. The Motion passed 7-0.

Commissioner Ontiveros left for the evening at 10:35 p.m.

5. Case No. CUP-15-001: A request for a renewal of Conditional Use Permit (CUP-03-038) without modification for the Ponderosa Fire District fire station in the Commercial Heavy (CH-10,000) Zone. The request is also for a waiver for a 9-foot sign. The subject property contains 1.4 acres and is located at 11951 W. Shadow Mountain Road, Bellemont, AZ and is identified as Assessor's Parcel Number 204-07-141A.

Applicant: Ponderosa Fire District, Bellemont, AZ.

Mr. Schwartz summarized the staff report along with PowerPoint presentation. Mr. Schwartz added there have been no complaints regarding the fire station CUP renewal and staff is recommending approval. If the Commission should choose to deny the request for a 9-foot sign, Condition 2 would need to be modified.

Commissioner Sacher referred to the original 2003 staff report stating it should abide by the Sign Ordinance. Mr. Schwartz said it was modified in 2011 and read the condition but noted the staff report was not in the Commission's packet.

Mark Sachara Fire Chief, Ponderosa Fire District, explained how the sign was an Eagle Scout project and the efforts of the Eagle Scout. Chief Sachara said the Scout was given verbal approval by the Building Department. He was not part of the process. The Scout has been in contact with the County several times and was not told he cannot have that height of sign. Chief Sachara felt there was a lot of confusion. Because this is a public building they are limited to six feet per the Zoning Ordinance. The actual height is 8 ft. nine inches (there had been a waiver approved to allow 8 feet). Chief Sachara also noted if a renewal reminder for his CUP was sent, he did not receive it.

There was no public comment.

Commissioner Sacher felt strongly about the Sign Ordinance and it should be applied equally to everyone. Unfortunately the Eagle Scout did a lot of work. Commissioner Sacher noted an 8-foot waiver has already been approved. She has seen many businesses denied larger signs. She could not support the 9-foot sign. Commissioner Williams agreed with Commissioner Sacher's comments.

Commissioner Best felt it was an honest error and the organization is there for the good of the community. He could make the Findings for approval. Commissioner Sacher felt it was a bad message to give to an Eagle Scout if you don't follow the rules, rules can be changed. Commissioner Best felt the Fire Department is not trying to get an advantage on another business. Commissioner Sacher said the top portion could cut off to abide by the 8-foot waiver approved.

MOTION: Commissioner Best moved to approve Case No. CUP-15-001 with the four conditions listed, including the nine-foot sign waiver. Commissioner Doggett seconded the Motion. The Motion failed with a tie of 3-3.

MOTION: Commissioner Doggett moved to approve the renewal of CUP-15-001 modifying Condition 2 to allow only an 8-foot sign as previously approved. Commissioner Williams seconded the Motion. That Motion passed 6-0.

6. Case No. CUP-15-002: A request for a Conditional Use Permit for a caretaker's residence associated with a new business on property located in the Commercial General (CG-10,000) Zone. The subject property contains 1.59 acres and is located at 529 Linger Lane, Valle, AZ., and is identified as Assessor's Parcel Number 503-15-019.

Applicant: Noel Leon, Valle, AZ.

Mr. Schwartz summarized the staff report along with a PowerPoint presentation. Staff is recommending denial because staff believes the request for the single family residence is the primary use and the commercial use is secondary and cannot make the Findings.

Commissioner Ruggles stated he went to the site with staff and noted the high voltage lines across the property. He noted a building permit is required for a 400 square foot structure. Commissioner Ruggles also noted there was no public utility easement listed on the site plan. He thought the structure could be very close to that line and thought APS has requirements regarding the high voltage power line. He would like to see where the utility easement is located along with the location of the septic. Mr. Schwartz agreed the site plan needs to be accurate showing all the easements and septic.

Jasmine, daughter of the applicant, said they do not have any more details. They have just hired someone to make a more accurate site plan. She added the primary source will be the cleaning business. They would like to request a continuance instead of denial. Jasmine also noted her parents have recently purchased more commercial property adjacent to this site and would like to combine those in the future with this parcel.

Commissioner Doggett clarified with Mr. Schwartz there is an illegal residence on the site. Mr. Schwartz explained there is a manufactured home on site. Electricity to the home has not been allowed. The former property owner has used it as a primary residence. Commissioner Doggett thought the current owners have been misled. He asked if even a small commercial building is built, will staff approve the request. Mr. Schwartz said he does not want to give the applicant the impression with a continuance the request will be approved. It would take substantial reworking of the site plan and business plan

for staff to support the request.

Commissioner Williams asked if rezoning the property is more appropriate since this has been an ongoing issue. Mr. Schwartz said staff would not support spot zoning.

The floor was opened for public comment.

Randall Kennedy, 499 Linger Lane, Valle, stated he has property in the area and has had to go through the process and proper channels with the County. He felt the house is an integral part of the request. Mr. Kennedy stated a house is not necessary until you have a business. Mr. Kennedy stated the trailer has been vacant for ten years. He also noted commercial property requires a licensed commercial contractor to do the work. Mr. Kennedy noted they need to have a sign permit, lighting permit and also a landscape plan. He was not opposed to the request but it has to be done correctly the first time. Mr. Kennedy also added there was no Citizen Participation meeting. The mobile home is 28 years old. If done right the first time it is to everyone's benefit.

The floor was closed for public comment.

Commissioner John agreed with a continuance. He urged the applicant to work with staff. He noted the structure will require a building permit along with all the commercial requirements. He recommended a 60-day continuance.

MOTION: Commissioner Ruggles moved to continue Case No. CUP-15-002 for sixty days. Commissioner Williams seconded the Motion. The Motion to continue was unanimously approved.

7. Case No. CUP-15-003: A request a Conditional Use Permit to establish a Cottage Industry consisting of a landscaping business and storage of associated materials in the Residential Single Family (RS-40,000) Zone. The subject property contains 1.38 acres and is located at 11205 Pinon Street, Flagstaff, AZ., and is identified as Assessor's Parcel Number 301-76-039.
Applicant: Luke Neal, Flagstaff, AZ.

Mr. Short summarized the staff report along with a PowerPoint presentation and stated staff is recommending approval.

Commissioner Ruggles referred to fencing and asked if internal storage fencing is addressed in the CC&Rs. Mr. Short thought perimeter fencing would be a good idea for screening but if that is not allowed in the CC&Rs the County does not want to require something that may not be allowed. He has not gotten clarification if it is addressed in the CC&Rs. Commissioner Ruggles thought some sort of screening is necessary.

Luke Neal, Forever Lawn, stated he bought the property over one year ago. He saw potential in running a business out of the back portion of the property. Mr. Neal said he is all for cleaning up the property and screening materials. He would rather do an interior screening. Mr. Neal said he has every intention of making the property appealing. He does understand the neighbors' concerns. Regarding the shed, Mr. Neal said it serves as

his chicken coop and for storage. He asked if the shed is torn down is it possible to get a storage container. Regarding the Citizen Participation program, Mr. Neal said that was a good tool. He is asking for approval and willing to meeting the listed conditions.

Commissioner Ruggles noted to Mr. Neal if the shed is demolished they can build a 200 square foot shed without a building permit. He thought that would be a better option than the 8x20 sq. ft. storage container allowed.

The floor was opened for public comment.

Kevin Craigie, 10910 N. Lupine, said he has lived there for over 30 years and the proposed property is in worse condition than it has ever been. He noted there are piles of sand, gravel, and cement. He felt, even if screened, you could see equipment above the fence. Mr. Craigie stated two semi-trucks delivers weekly with large rolls of the lawn product and they are placed on the side of the road and sometimes in the road. He felt this was not a Cottage Industry for a contractor's yard for a construction company. He was opposed to the request and recommended Mr. Neal rent a portion of a commercial property.

Barbara Hall, 4870 El Oro Drive, neighbor and has lived in the neighborhood for 20 years, reiterated Mr. Craigie's comment about the trashy property. The area has survived the floods, have improved their landscaping and improved their homes. Ms. Hall said the area is residential with young families and retirees. She felt it was an eyesore to the neighborhood and is a full commercial business. Ms. Hall added the road is very narrow to begin with and having semi-trucks deliver large rolls of product in the right-of-way or ditch is a safety hazard.

Evan Stallcup, 4840 El Oro Drive, stated he has lived there 25 years. Even after the flood issues, this property is still the worst eyesore. Mr. Stallcup said the Commission tries to take the position a cottage industry fits the neighborhood and should look like a residence. This does not. Mr. Stallcup added the semi-trucks go through the neighborhood. The material of the lawn itself is a partially hazardous material made of polyethylene. There is also a rubber chrome infill used which is a toxin. Mr. Stallcup added if a fire or flood should happen there is the potential for a tire fire which is toxic. He was opposed to the request and said the proposal does not fit with the neighborhood and is a safety hazard.

The floor was closed for public comment.

Commissioner Sacher asked how far off the main highway the semi-trucks have to drive. The Audience said it was 1.1 miles from Highway 89. Mr. Lean explained the semis pull up Campbell and back into Pinon and pull back onto Campbell.

Commissioner Doggett asked Mr. Short to read the Cottage Industry standards.

Commissioner Sacher asked how many company trucks were on site. Mr. Short said there was only one when he went to the site. The landscaping truck was not on site. There were a couple of trailers on site.

Commissioner Best stated he went to the site with Commissioner Doggett and agreed the property is a mess. He felt the site plan needs to be improved. If approved it should be for a very short time to make sure all the issues are resolved. Everything needs to be placed within the property and fencing. Mr. Short noted Condition 2 asks for a more detailed site plan.

Commissioner Ruggles asked, if approved, can the Commission recommend a shorter term to ensure compliance with all the conditions are met. Mr. Short said yes.

Commissioner Sacher felt rather than granting a one-year approval, give a continuance and get all the solutions in one plan with dates of completion to get the property cleaned up. Commissioner Ruggles agreed. The Commission agreed the property needs to be cleaned up before any approval is considered. Much of the second hand materials are not for the landscaping business. Commissioner Doggett noted the applicant was reluctant with the cost of fencing which will be required. He thought time would give the applicant the opportunity to check into leasing a portion of commercial property versus fencing for this property.

Commissioner Sacher noted to the applicant if this request gets denied he has one year before he can reapply. She is asking for a business plan stating everything that needs to be done to the property and the time frame that will done. The Commission and staff is asking for a more accurate site plan with more detail where all items will be located along with employee and business vehicle parking. Mr. Neal said many of the items are his personal items. He asked if he pulled the application the buildings and piles can stay. The Commission said that is out of their jurisdiction. Mr. Neal said he would be happy to work with staff on a plan. Chairman Buzzard said it is a performance standard and it is up to Mr. Neal to comply with those conditions. Commissioner Doggett noted the neighbors are concerned with the visual appearance. Mr. Neal said he wants to improve the property, make it look nice and be a good neighbor.

MOTION: Commissioner Sacher moved to continue Case No. CUP-15-003 for sixty days. Commissioner Ruggles seconded the Motion. The Motion to continue was unanimous.

8. Case No. CUP-15-004: A request a Conditional Use Permit to expand the Greenhaven Fire District firehouse and parking in the Planned Community (PC) Zone. The subject property contains .25 acres and is located at 60 N. Wahweap Drive, Greenhaven, AZ., and is identified as Assessor's Parcel Number 601-44-017.

Applicant: Greenhaven Fire District, Greenhaven, AZ.

Mr. Short stated the applicant has asked for a 30-day continuance to resolve some parking issues. Staff is recommending a continuance.

MOTION: Commissioner Ruggles moved to continue case No. CUP-15-004 for 30 days. Commissioner Doggett seconded the Motion. The Motion to continue was unanimous.

III. CALL TO PUBLIC FOR ITEMS NOT ON THE AGENDA

There were no public comments.

The Meeting adjourned at 12:40 a.m.

Chairperson, Coconino County
Planning and Zoning Commission

ATTEST:

Secretary, Coconino County
Planning and Zoning Commission